IN THE HIGH COURT OF JUDICATURE CHHATTISGARH AT BILASPUR

W.P.NO. 1935 /2001

(3)

PETITIONER : M/s Sharaddha Traders,
Jewra Sirsa, Distt. Durg (CG)
Through its Proprieter,
Dongarmal S/o Pheelchand Jain,
aged about 35 years,
R/o Khandelwal Colony,
House No.19-A, Durg (CG).

VERSUS

RESPONDENTS : 1) Additional Commissioner,
Raipur Division, Raipur.

2) Collector, Durg
Distt. Durg (CG)

3) State of Chhattisgarh
Through the Secretary,
Revenue Department,
DKS Bhawan, Raipur (CG).

P.R. No. 2112/01
Presented by Shri S. Verma
dated 6/10/01

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक WP 1935/01 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	17.10.2001 : Mr.P.Diwakar for the petitioner. Mr. Gautam Bhaduri for the State. The appeal filed by the writ petitioner before the Additional Commissioner,Raipur,was dismissed on 29.9.2001 on the ground of delay of 26 days. Shri Diwakar submits that for the ends of justice the learned Commissioner ought to have examined the merit of the case in stead of dismissing the appeal on the ground of delay. According to Shri Diwakar, the delay was sufficiently explained. Shri Gautam Bhaduri submits that it is for the competent authority to examine the merit of the question of delay also and therefore no interference is called-for. After hearing learned counsel for both the sides and on perusal of the averments made in the writ petition as well as the impugned order of dismissal, I am of the opinion that it will be for the ends of justice that the petitioner's case before the appellate authority should be decided on merit. In my view this could have been done even subject to payment of some cost also. In the result,this petition is allowed. The order of dismissal passed by the learned Commissioner dated 29.9.2001 is set-aside. The appeal shall be heard and decided	

पीछे देखिये

आदेश पत्रक (पुर्वानुबद्ध)

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित ..2..	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

on merit after issuing notices to the parties. Petitioner shall appear before the Commissioner on 30.10.2001. Let the petitioner pay cost of Rs. 500/-. It is stated that in respect of other 35 persons similarly situated, stay has been allowed. Accordingly a prayer has been made that Annexure A-4 should be stayed in respect of the writ petitioner.

In my view it is for the learned Commissioner to examine this aspect of the matter. Let the writ petitioner make-out a case before the learned commissioner for interim order. Until such interim order is considered by the learned commissioner, the order annexure A-4 dt. 24.7.2001 shall remain stayed. Petition is disposed of.

Sd/-
Chief Justice

J